

Adopted	Rejected
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## COMMITTEE REPORT

YES:	11
NO:	0

### MR. SPEAKER:

*Your Committee on Elections and Apportionment, to which was referred Senate Bill 292, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005,
- 4       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5       UPON PASSAGE]: Sec. 40.5. "Proof of identification" refers to a
- 6       document that satisfies all the following:
- 7       (1) The document shows the name of the individual to whom the
- 8       document was issued, and the name conforms to the name in the
- 9       individual's voter registration record.
- 10       (2) The document shows a photograph of the individual to whom
- 11       the document was issued.
- 12       (3) The document includes an expiration date, and the document:
- 13       (A) is not expired; or
- 14       (B) expired after the date of the most recent general election.
- 15       (4) The document was issued by **any of the following**:
- 16       (A) The United States. ~~or~~ **Notwithstanding subdivision (3),**

a document issued by the United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that:

(i) otherwise complies with the requirements of this section; and

(ii) has no expiration date or states that the document has an indefinite expiration date;

is sufficient proof of identification for purposes of this title.

(B) The state of Indiana.

(C) An approved institution of higher learning (as defined in IC 20-12-21-3).".

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 4. IC 3-5-4.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This section applies to an absentee ballot cast by an individual confined in a long term care facility.

(b) A person may not challenge the right of an individual to vote at an election by absentee ballot solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record.".

Page 3, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 7. IC 3-7-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A person who is:

(1) convicted of a crime; and

(2) imprisoned following conviction;

is deprived of the right of suffrage by the general assembly pursuant to Article 2, Section 8 of the Constitution of the State of Indiana.

(b) A person described in subsection (a) is ineligible to register under this article during the period that the person is:

(1) imprisoned; or

(2) otherwise subject to lawful detention.

(c) A person who is subject to lawful detention but has not been convicted of a crime is eligible to:

(1) register under this article; and

(2) vote;

until the person has been convicted of a crime and imprisoned following conviction.".

1 Page 10, line 25, reset in roman "by facsimile".

2 Page 10, line 26, reset in roman "transmission or".

3 Page 10, delete lines 40 through 42, begin a new paragraph and  
4 insert:

5 "SECTION 14. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006,  
6 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 UPON PASSAGE]: Sec. 7.2. (a) Except as provided in subsection (e),  
8 a voter who desires to vote an official ballot at a primary election shall  
9 provide proof of identification.

10 (b) Except as provided in subsection (e), before the voter proceeds  
11 to vote in a primary election, a ~~member of the~~ precinct election board  
12 **officer** shall ask the voter to provide proof of identification. The voter  
13 must produce the proof of identification before being permitted to sign  
14 the poll list.

15 (c) If:

16 (1) the voter is unable or declines to present the proof of  
17 identification; or

18 (2) a member of the precinct election board determines that the  
19 proof of identification presented by the voter does not qualify as  
20 proof of identification under IC 3-5-2-40.5;

21 a member of the precinct election board shall challenge the voter as  
22 prescribed by IC 3-11-8.

23 (d) If the voter executes a challenged voter's affidavit under section  
24 9 of this chapter or IC 3-11-8-22.1, the voter may:

25 (1) sign the poll list; and

26 (2) receive a provisional ballot.

27 (e) **A voter described by either of the following is not required**  
28 **to provide proof of identification before voting in a primary**  
29 **election:**

30 (1) A voter who votes in person at a precinct polling place that is  
31 located at a state licensed care facility where the voter resides. ~~is~~  
32 ~~not required to provide proof of identification before voting in a~~  
33 ~~primary election.~~

34 (2) **A voter who executes an affidavit, in the form prescribed**  
35 **by the commission, affirming under the penalties of perjury**  
36 **that the voter satisfies either of the following:**

37 (A) **The voter is:**

38 (i) **indigent; and**

1                   (ii) unable to obtain proof of identification without the  
2                   payment of a fee.

3                   **(B) The voter has a religious objection to being**  
4                   **photographed."**

5                   Page 11, delete lines 1 through 33.

6                   Page 13, delete lines 33 through 40.

7                   Page 14, between lines 15 and 16, begin a new paragraph and insert:

8                   "SECTION 19. IC 3-11-2-10, AS AMENDED BY P.L.58-2005,  
9                   SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10                  JULY 1, 2007]: Sec. 10. (a) The name or title of the political party or  
11                  independent ticket described in section 6 of this chapter shall be placed  
12                  at the top of the ballot. The device of the political party or independent  
13                  ticket shall be placed immediately under the name of the political party  
14                  or independent ticket. The instructions for voting a straight party ticket  
15                  shall be placed to the right of the device.

16                 (b) The instructions for voting a straight party ticket must conform  
17                 as nearly as possible to the following: "To vote a straight (insert  
18                 political party name) ticket for all (political party name) candidates on  
19                 this ballot, make a voting mark on or in this circle and do not make any  
20                 other marks on this ballot, **unless you want to vote for any candidates**  
21                 **of a political party other than the (political party name). If you**  
22                 **want to vote for candidates for offices other than candidates of the**  
23                 **(political party name) party, you must:**

24                 **(1) make a voting mark on or in the square to the left of that**  
25                 **candidate's name; or**

26                 **(2) write in the name of the candidate on the ballot where**  
27                 **write-in votes may be cast and make a voting mark on or in**  
28                 **the square to the left of the candidate's name you write in.**

29                 **If more than one (1) candidate is to be elected to an office, you**  
30                 **must also make a voting mark on or in the square to the left of the**  
31                 **names of the candidates of the (political party name) party for**  
32                 **whom you want to vote for that office in addition to the names of**  
33                 **the candidates you want to vote for who are not (political party**  
34                 **name) candidates. DO NOT VOTE FOR MORE CANDIDATES**  
35                 **FOR AN OFFICE THAN ARE TO BE ELECTED; IF YOU DO,**  
36                 **THE VOTES FOR THE (POLITICAL PARTY NAME)**  
37                 **CANDIDATES FOR THAT OFFICE WILL NOT BE COUNTED**  
38                 **AND IT IS POSSIBLE THAT ALL THE VOTES YOU CAST FOR**

**CANDIDATES FOR THE OFFICE WILL NOT BE COUNTED.**

If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

(c) If the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

(d) The ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(e) The list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(f) The election division or the circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 20. IC 3-11-3-22, AS AMENDED BY P.L.164-2006, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English ~~braille~~, and any other language that the board considers necessary the following:

(1) Instructions for the guidance of voters in preparing their ballots.

(2) Instructions explaining the procedure for write-in voting.

(3) Write-in voting notice cards that must be posted in each precinct that utilizes a voting system that does not permit a voter to alter the voter's ballot after making a voting mark for a write-in candidate so that the voter may vote for a candidate for that office

1           whose name appears on the ballot.

2           (b) The write-in notice cards described in subsection (a)(3) must  
3 inform all voters that a voter:

4           (1) who wants to cast write-in votes may cast the voter's ballot on  
5 the voting system required to be available to all voters in the  
6 precinct under IC 3-11-15-13.3(e); and

7           (2) may choose to cast the voter's ballot on the voting system  
8 described in subdivision (1) without being required to indicate to  
9 any individual that the voter wishes to cast a ballot on the voting  
10 system because the voter intends to cast a ballot for a write-in  
11 candidate.

12          (c) The board shall furnish the number of cards it determines to be  
13 adequate for each precinct to the inspector at the same time the board  
14 delivers the ballots for the precinct and shall furnish a magnifier upon  
15 request to a voter who requests a magnifier to read the cards."

16          Page 19, between lines 20 and 21, begin a new paragraph and insert:

17          "SECTION 26. IC 3-11-4-17.5, AS AMENDED BY P.L.164-2006,  
18 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 UPON PASSAGE]: Sec. 17.5. (a) Upon receiving an application for an  
20 absentee ballot, the county election board (or the absentee voter board  
21 in the office of the circuit court clerk) shall determine if:

22           (1) the applicant is a voter of the precinct in which the applicant  
23 resides, according to the records of the county voter registration  
24 office;

25           (2) the information set forth on the application appears to be true;  
26 and

27           (3) the application has been completed and filed in accordance  
28 with Indiana and federal law.

29          If the members of the absentee voter board are unable to agree about  
30 any of the determinations described in subdivisions (1) through (3), the  
31 issue shall be referred to the county election board for determination.

32          If the application is submitted by a voter wanting to cast an absentee  
33 ballot under IC 3-11-10-26, the voter shall be permitted to cast an  
34 absentee ballot, and the voter's absentee ballot shall be treated as a  
35 provisional ballot.

36          (b) If:

37           (1) the applicant is not a voter of the precinct according to the  
38 registration record; or

(2) the application as completed and filed:

(A) contains a false statement; or

(B) does not otherwise comply with Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) ~~This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d);~~ If the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

(1) not later than forty-eight (48) hours after the application is denied; and

(2) to the voter at the address at which the voter requested that the absentee ballot be mailed.

**The notice must include information telling the applicant how the application can be corrected and can be approved, if possible.**

(d) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

(1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and

(2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(e) If the applicant:

(1) is a voter of the precinct according to the registration record;

(2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record; and

(3) provides a voter identification number on the application to

1 permit transfer of registration under IC 3-7-13-13;  
 2 the county election board shall direct the county voter registration  
 3 office to transfer the applicant's voter registration address to the  
 4 address within the precinct shown on the application. The applicant's  
 5 application for an absentee ballot shall be approved if the applicant is  
 6 otherwise eligible to receive the ballot under this chapter."

7 Page 21, between lines 38 and 39, begin a new paragraph and insert:

8 "SECTION 32. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006,  
 9 SECTION 100, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in  
 11 subsection (e), a voter who desires to vote an official ballot at an  
 12 election shall provide proof of identification.

13 (b) Except as provided in subsection (e), before the voter proceeds  
 14 to vote in the election, a ~~member of the precinct election board officer~~  
 15 shall ask the voter to provide proof of identification. The voter shall  
 16 produce the proof of identification before being permitted to sign the  
 17 poll list.

18 (c) If:

- 19 (1) the voter is unable or declines to present the proof of  
 20 identification; or  
 21 (2) a member of the precinct election board determines that the  
 22 proof of identification provided by the voter does not qualify as  
 23 proof of identification under IC 3-5-2-40.5;

24 a member of the precinct election board shall challenge the voter as  
 25 prescribed by this chapter.

26 (d) If the voter executes a challenged voter's affidavit under section  
 27 22.1 of this chapter, the voter may:

- 28 (1) sign the poll list; and  
 29 (2) receive a provisional ballot.

30 (e) **A voter described by either of the following is not required**  
 31 **to provide proof of identification before voting in an election:**

32 (1) A voter who votes in person at a precinct polling place that is  
 33 located at a state licensed care facility where the voter resides. ~~is~~  
 34 ~~not required to provide proof of identification before voting in an~~  
 35 ~~election.~~

36 (2) **A voter who executes an affidavit, in the form prescribed**  
 37 **by the commission, affirming under the penalties of perjury**  
 38 **that the voter satisfies either of the following:**

1           **(A) The voter is:**

2               **(i) indigent; and**

3               **(ii) unable to obtain proof of identification without the**  
 4               **payment of a fee.**

5           **(B) The voter has a religious objection to being**  
 6           **photographed.**

7           (f) After a voter has passed the challengers or has been sworn in, the  
 8           voter shall be instructed by a member of the precinct election board to  
 9           proceed to the location where the poll clerks are stationed. The voter  
 10          shall announce the voter's name to the poll clerks or assistant poll  
 11          clerks. A poll clerk, an assistant poll clerk, or a member of the precinct  
 12          election board shall require the voter to write the following on the poll  
 13          list:

14               (1) The voter's name.

15               (2) Except as provided in subsection (k), the voter's current  
 16               residence address.

17           (g) The poll clerk, an assistant poll clerk, or a member of the  
 18           precinct election board shall:

19               (1) ask the voter to provide or update the voter's voter  
 20               identification number;

21               (2) tell the voter the number the voter may use as a voter  
 22               identification number; and

23               (3) explain to the voter that the voter is not required to provide or  
 24               update a voter identification number at the polls.

25           (h) The poll clerk, an assistant poll clerk, or a member of the  
 26           precinct election board shall ask the voter to provide proof of  
 27           identification.

28           (i) In case of doubt concerning a voter's identity, the precinct  
 29           election board shall compare the voter's signature with the signature on  
 30           the affidavit of registration or any certified copy of the signature  
 31           provided under IC 3-7-29. If the board determines that the voter's  
 32           signature is authentic, the voter may then vote. If either poll clerk  
 33           doubts the voter's identity following comparison of the signatures, the  
 34           poll clerk shall challenge the voter in the manner prescribed by section  
 35           21 of this chapter.

36           (j) If, in a precinct governed by subsection (g):

37               (1) the poll clerk does not execute a challenger's affidavit; or

38               (2) the voter executes a challenged voter's affidavit under section

1           22.1 of this chapter or executed the affidavit before signing the  
 2           poll list;  
 3           the voter may then vote.

4           (k) Each line on a poll list sheet provided to take a voter's current  
 5           address must include a box under the heading "Address Unchanged"  
 6           so that a voter whose residence address shown on the poll list is the  
 7           voter's current residence address may check the box instead of writing  
 8           the voter's current residence address on the poll list.

9           SECTION 33. IC 3-11-10-4, AS AMENDED BY P.L.198-2005,  
 10          SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11          UPON PASSAGE]: Sec. 4. (a) Upon receipt of an absentee ballot, a  
 12          county election board (or the absentee voter board in the office of the  
 13          circuit court clerk) shall immediately examine the signature of the  
 14          absentee voter to determine its genuineness.

15          (b) This subsection does not apply to an absentee ballot cast by a  
 16          voter permitted to transmit the voter's absentee ballots by fax or  
 17          electronic mail under IC 3-11-4-6. The board shall compare the  
 18          signature as it appears upon the envelope containing the absentee ballot  
 19          with the signature of the voter as it appears upon the ~~application for the~~  
 20          ~~absentee ballot.~~ **voter's affidavit of registration.** The board may also  
 21          compare the signature on the ballot envelope with any other admittedly  
 22          genuine signature of the voter.

23          (c) This subsection applies to an absentee ballot cast by a voter  
 24          permitted to transmit the voter's absentee ballots by fax or electronic  
 25          mail under IC 3-11-4-6. The board shall compare the signature as it  
 26          appears on the affidavit transmitted with the voter's absentee ballot to  
 27          the voter's signature as it appears on the ~~application for the absentee~~  
 28          ~~ballot.~~ **voter's affidavit of registration.** The board may also compare  
 29          the signature on the affidavit with any other admittedly genuine  
 30          signature of the voter.

31          (d) If a member of the absentee voter board questions whether a  
 32          signature on a ballot envelope or transmitted affidavit is genuine, the  
 33          matter shall be referred to the county election board for consideration  
 34          under section 5 of this chapter."

35          Page 21, delete lines 39 through 42, begin a new paragraph and  
 36          insert:

37          "SECTION 34. IC 3-11-10-8 IS AMENDED TO READ AS  
 38          FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. **(a)** If a county

election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a ~~large or~~ carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.**

(b) The envelope shall be securely sealed and endorsed with the ~~name and~~ official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only at the polls on election day while the polls are open."

SECTION 35. IC 3-11-10-12, AS AMENDED BY P.L.164-2006, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open. ~~and in sufficient time to enable~~ The precinct election ~~boards to board shall~~ vote the ballots **received** during the time the polls are open. **Any ballots received by the precinct election board after the polls are closed shall be returned to the county election board for counting under section 14 of this chapter.**

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

(1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and

(2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

(d) If the county election board is notified not later than 3 p.m. on election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection (c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board

determines that the supplemental list may not be received before the closing of the polls, the board shall:

- (1) attempt to contact the precinct election board to inform the board regarding the content of the supplemental list; and
- (2) file a copy of the supplemental list for that precinct as part of the permanent records of the board.

(e) This subsection applies to a special write-in absentee ballot described in:

- (1) 42 U.S.C. 1973ff for federal offices; and
- (2) IC 3-11-4-12(a) for state offices.

If the county election board receives both a special write-in absentee ballot and the regular absentee ballot described by IC 3-11-4-12 from the same voter, the county election board shall reject the special write-in ballot and deliver only the regular absentee ballot to the precinct election board."

Page 22, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 36. IC 3-11-10-14, AS AMENDED BY P.L.198-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Subject to **IC 3-10-8-7.5** and section 11 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after the county election board has started the final delivery of the ballots to the precincts on election day **shall be delivered to the county election board for counting.**

**(b) An absentee ballot delivered to the county election board under subsection (a) shall be counted by the county election board if the ballot is not otherwise successfully challenged under this title.**

**(c) The election returns from the precinct shall be adjusted to reflect the votes on an absentee ballot required to be counted under subsection (b).**

**(d) Except as provided in subsection (e), absentee ballots received by the county election board after the close of the polls on election day are considered as arriving too late and need may not be delivered to the polls: counted.**

**(e) Absentee ballots received by the precinct election board as described in section 12(b) of this chapter after the close of the polls shall be returned to the county election board and be counted as provided in this section.**

1       SECTION 37. IC 3-11-10-15 IS AMENDED TO READ AS  
 2       FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. At any time  
 3       between the opening and closing of the polls on election day, the  
 4       inspector, in the presence of the precinct election board, shall do all of  
 5       the following:

6           (1) Open the outer or carrier envelope containing an absentee  
 7           ballot envelope and application.

8           (2) Announce the absentee voter's name.

9           (3) Compare the signature upon the ~~application~~ **voter's affidavit**  
 10          **of registration** with the signature upon the affidavit on the ballot  
 11          envelope or transmitted affidavit attached to the ballot envelope.

12       SECTION 38. IC 3-11-10-24, AS AMENDED BY P.L.103-2005,  
 13       SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14       JULY 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), a  
 15       voter who satisfies any of the following is entitled to vote by mail:

16          (1) The voter has a specific, reasonable expectation of being  
 17          absent from the county on election day during the entire twelve  
 18          (12) hours that the polls are open.

19          (2) The voter will be absent from the precinct of the voter's  
 20          residence on election day because of service as:

21           (A) a precinct election officer under IC 3-6-6;

22           (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

23           (C) a challenger or pollbook holder under IC 3-6-7; or

24           (D) a person employed by an election board to administer the  
 25          election for which the absentee ballot is requested.

26          (3) The voter will be confined on election day to the voter's  
 27          residence, to a health care facility, or to a hospital because of an  
 28          illness or injury during the entire twelve (12) hours that the polls  
 29          are open.

30          (4) The voter is a voter with disabilities.

31          (5) The voter is an elderly voter.

32          (6) The voter is prevented from voting due to the voter's care of  
 33          an individual confined to a private residence because of illness or  
 34          injury during the entire twelve (12) hours that the polls are open.

35          (7) The voter is scheduled to work at the person's regular place of  
 36          employment during the entire twelve (12) hours that the polls are  
 37          open.

38          (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

**(11) The voter is subject to lawful detention but has not been convicted of a crime.**

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in

1 fact for the voter, the individual must attach a copy of the power  
 2 of attorney for the voter, unless a copy of this document has  
 3 already been filed with the county election board.

4 (4) The date and location at which the absentee ballot was  
 5 delivered by the voter to the individual delivering the ballot to the  
 6 county election board.

7 (5) A statement that the individual delivering the absentee ballot  
 8 has complied with Indiana laws governing absentee ballots.

9 (6) A statement that the individual delivering the absentee ballot  
 10 is executing the affidavit under the penalties of perjury.

11 (7) A statement setting forth the penalties for perjury.

12 (e) The county election board shall record the date and time that the  
 13 affidavit under subsection (d) was filed with the board.

14 (f) After a voter has mailed or delivered an absentee ballot to the  
 15 office of the circuit court clerk, the voter may not recast a ballot, except  
 16 as provided in:

17 (1) section 1.5 of this chapter; or

18 (2) section 33 of this chapter.

19 SECTION 39. IC 3-11-10-25, AS AMENDED BY P.L.164-2006,  
 20 SECTION 108, IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2007]: Sec. 25. (a) A voter who votes by  
 22 absentee ballot because ~~of~~ **the voter:**

23 (1) **has an** illness or injury; ~~or~~

24 (2) **is** caring for a confined person at a private residence; **or**

25 (3) **is subject to lawful detention but has not been convicted of**  
 26 **a crime;**

27 and who is within the county on election day may vote before an  
 28 absentee voter board or by mail.

29 (b) If requested by a voter described in subsection (a) or by a voter  
 30 with disabilities whose precinct is not accessible to voters with  
 31 disabilities, an absentee voter board shall visit the voter's place of  
 32 confinement, the residence of the voter with disabilities, or the private  
 33 residence:

34 (1) during the regular office hours of the circuit court clerk;

35 (2) at a time agreed to by the board and the voter;

36 (3) on any of the twelve (12) days immediately before election  
 37 day; and

38 (4) only once before an election, unless:

1 (A) the confined voter is unavailable at the time of the board's  
 2 first visit due to a medical emergency; or

3 (B) the board, in its discretion, decides to make an additional  
 4 visit.

5 (c) This subsection applies to a voter confined due to illness or  
 6 injury. An absentee voter board may not be denied access to the voter's  
 7 place of confinement if the board is present at the place of confinement  
 8 at a time:

9 (1) agreed to by the board and the voter; and

10 (2) during the regular office hours of the circuit court clerk. A  
 11 person who knowingly violates this subsection commits  
 12 obstruction or interference with an election officer in the  
 13 discharge of the officer's duty, a violation of IC 3-14-3-4.

14 (d) The county election board, by unanimous vote of the board's  
 15 entire membership, may authorize an absentee voter board to visit a  
 16 voter who is confined due to illness or injury and will be outside the  
 17 county on election day in accordance with the procedures set forth in  
 18 subsection (b).

19 (e) As provided by 42 U.S.C. 15481, a voter casting an absentee  
 20 ballot under this section must be:

21 (1) permitted to verify in a private and independent manner the  
 22 votes selected by the voter before the ballot is cast and counted;

23 (2) provided with the opportunity to change the ballot or correct  
 24 any error in a private and independent manner before the ballot is  
 25 cast and counted, including the opportunity to receive a  
 26 replacement ballot if the voter is otherwise unable to change or  
 27 correct the ballot; and

28 (3) notified before the ballot is cast regarding the effect of casting  
 29 multiple votes for the office and provided an opportunity to  
 30 correct the ballot before the ballot is cast and counted.

31 (f) As provided by 42 U.S.C. 15481, when an absentee ballot is  
 32 provided under this section, the board must also provide the voter with:

33 (1) information concerning the effect of casting multiple votes for  
 34 an office; and

35 (2) instructions on how to correct the ballot before the ballot is  
 36 cast and counted, including the issuance of replacement ballots.

37 (g) This subsection applies to a voter who applies to vote an  
 38 absentee ballot by mail. The county election board shall include a copy

- 1 of the Absentee Voter's Bill of Rights with any absentee ballot mailed
- 2 to the voter."
- 3 Page 25, delete lines 38 through 42.
- 4 Page 26, delete lines 1 through 2.
- 5 Page 26, delete lines 25 through 28.
- 6 Page 26, line 33, delete ":".
- 7 Page 26, line 34, delete "(1)".
- 8 Page 26, line 35, after "chapter" insert "."
- 9 Page 26, line 35, delete "by the secretary of".
- 10 Page 26, run in lines 33 through 35.
- 11 Page 26, delete lines 36 through 38.
- 12 Page 26, line 41, delete "secretary of"
- 13 Page 26, line 42, delete "state or the".
- 14 Page 27, line 17, delete "secretary of state" and insert "**election**
- 15 **division**".
- 16 Page 27, line 20, delete "secretary of state" and insert "**election**
- 17 **division**".
- 18 Page 27, line 24, delete "secretary of state" and insert "**election**
- 19 **division**".
- 20 Page 27, line 26, delete "secretary of state" and insert "**election**
- 21 **division**".
- 22 Page 27, line 28, delete "secretary of state" and insert "**election**
- 23 **division**".
- 24 Page 27, after line 42, begin a new paragraph and insert:
- 25 "SECTION 47. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005,
- 26 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 UPON PASSAGE]: Sec. 10. Subject to section 7 of this chapter,
- 28 absentee ballots received by mail (or by fax or electronic mail under
- 29 IC 3-11-4-6) after ~~noon~~ **the close of the polls** on election day are
- 30 considered as arriving too late and may not be counted.
- 31 SECTION 48. IC 3-11.5-4-11 IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. At any time
- 33 after the couriers return the certificate under section 9 of this chapter,
- 34 absentee ballot counters appointed under section 22 of this chapter, in
- 35 the presence of the county election board, shall, except for a ballot
- 36 rejected under section 13 of this chapter:
- 37 (1) open the outer or carrier envelope containing an absentee
- 38 ballot envelope and application;

1 (2) announce the absentee voter's name; and

2 (3) compare the signature upon the ~~application with the signature~~  
 3 ~~upon the~~ affidavit on the ballot envelope or transmitted affidavit  
 4 **with the signature on the voter's affidavit of registration.**

5 SECTION 49. IC 3-11.5-4-18 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. If a voter has not  
 7 returned an absentee ballot, the voter may vote in person. However,  
 8 before the voter may vote, the voter must return the ballot to the  
 9 **precinct election board or the** county election board. The absentee  
 10 ballot shall be marked "canceled" and preserved with the rejected  
 11 ballots."

12 Page 28, between lines 40 and 41, begin a new paragraph and insert:

13 "SECTION 51. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005,  
 14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 UPON PASSAGE]: Sec. 2.5. (a) A voter who:

16 (1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26  
 17 as a result of the voter's inability or declination to provide proof  
 18 of identification; and

19 (2) cast a provisional ballot;

20 may personally appear before the circuit court clerk or the county  
 21 election board not later than the deadline specified by section 1 of this  
 22 chapter for the county election board to determine whether to count a  
 23 provisional ballot.

24 (b) Except as provided in subsection (c), ~~or (c)~~; if the voter:

25 (1) provides proof of identification to the circuit court clerk or  
 26 county election board; and

27 (2) executes an affidavit before the clerk or board, in the form  
 28 prescribed by the commission, affirming under the penalties of  
 29 perjury that the voter is the same individual who:

30 (A) personally appeared before the precinct election board;  
 31 and

32 (B) cast the provisional ballot on election day;

33 the county election board shall find that the voter's provisional ballot  
 34 is valid and direct that the provisional ballot be opened under section  
 35 4 of this chapter and processed in accordance with this chapter.

36 ~~(c) If the voter executes an affidavit before the circuit court clerk or~~  
 37 ~~county election board; in the form prescribed by the commission;~~  
 38 ~~affirming under the penalties of perjury that:~~

1           ~~(1)~~ the voter is the same individual who:

2                   (A) personally appeared before the precinct election board;

3                   and

4                   (B) cast the provisional ballot on election day; and

5           ~~(2)~~ the voter:

6                   (A) is:

7                       (i) indigent; and

8                       (ii) unable to obtain proof of identification without the  
9                       payment of a fee; or

10                  (B) has a religious objection to being photographed;

11           the county election board shall determine whether the voter has been  
12           challenged for any reason other than the voter's inability or declination  
13           to present proof of identification to the precinct election board:

14           ~~(d)~~ If the county election board determines that the voter described  
15           in subsection ~~(c)~~ has been challenged solely for the inability or  
16           declination of the voter to provide proof of identification, the county  
17           election board shall:

18                   ~~(1)~~ find that the voter's provisional ballot is valid; and

19                   ~~(2)~~ direct that the provisional ballot be:

20                       (A) opened under section 4 of this chapter; and

21                       (B) processed in accordance with this chapter:

22           ~~(e)~~ ~~(c)~~ If the county election board determines that a voter described  
23           in subsection ~~(b)~~ or ~~(c)~~ has been challenged for a cause other than the  
24           voter's inability or declination to provide proof of identification, the  
25           board shall:

26                   (1) note on the envelope containing the provisional ballot that the  
27                   voter has complied with the proof of identification requirement;  
28                   and

29                   (2) proceed to determine the validity of the remaining challenges  
30                   set forth in the challenge affidavit before ruling on the validity of  
31                   the voter's provisional ballot.

32           ~~(f)~~ ~~(d)~~ If a voter described by subsection (a) fails by the deadline for  
33           counting provisional ballots referenced in subsection (a) to:

34                   (1) appear before the county election board; and

35                   (2) execute an affidavit in the manner prescribed by subsection

36                   (b); or ~~(c)~~;

37           the county election board shall find that the voter's provisional ballot  
38           is invalid.

1 SECTION 52. IC 3-12-1-12 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section  
 3 applies to votes cast by any method.

4 (b) Except as provided in section 13 of this chapter, a ballot that has  
 5 been marked and cast by a voter in compliance with this title but may  
 6 otherwise not be counted solely as the result of the act or failure to act  
 7 of an election officer ~~may nevertheless~~ **shall** be counted in a  
 8 proceeding under ~~IC 3-12-6, IC 3-12-8, or IC 3-12-11~~ unless evidence  
 9 of fraud, tampering, or misconduct affecting the integrity of the ballot  
 10 is presented. ~~by a party to the proceeding.~~

11 (c) The act or failure to act by an election officer is not by itself  
 12 evidence of fraud, tampering, or misconduct affecting the integrity of  
 13 the ballot."

14 Page 29, between lines 36 and 37, begin a new paragraph and insert:

15 "SECTION 54. IC 3-12-4-18, AS AMENDED BY P.L.221-2005,  
 16 SECTION 105, IS AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE UPON PASSAGE]: Sec. 18. If electronic voting systems  
 18 are used in a precinct, the county election board may ~~request~~  
 19 ~~authorization from the state recount commission to~~ inspect the  
 20 registering counter or other recording device on any electronic voting  
 21 system showing the number of votes cast for any candidate or public  
 22 question. ~~If authorized by the state recount commission,~~ The board may  
 23 conduct an inspection either before it proceeds to count and tabulate  
 24 the vote or within one (1) day after the count and tabulation are  
 25 finished."

26 Page 33, between lines 12 and 13, begin a new paragraph and insert:

27 "SECTION 63. IC 5-4-1-18 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Except as  
 29 provided in subsection (b) **or (c)**, the following city, town, county, or  
 30 township officers and employees shall file an individual surety bond:

- 31 (1) City judges, controllers, clerks, and clerk-treasurers.
- 32 (2) Town judges and clerk-treasurers.
- 33 (3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners,  
 34 assessors, and clerks.
- 35 (4) Township trustees and assessors.
- 36 (5) Those employees directed to file an individual bond by the  
 37 fiscal body of a city, town, or county.

38 (b) The fiscal body of a city, town, county, or township may by

ordinance authorize the purchase of a blanket bond or a crime insurance policy endorsed to include faithful performance to cover the faithful performance of all employees, commission members, and persons acting on behalf of the local government unit including those officers described in subsection (a).

**(c) A county may purchase a blanket bond to cover the elected officers of one (1) or more local government units in the county, including those officers described in subsection (a). The local units for whom the county purchases a blanket bond shall make the necessary appropriation to reimburse the county. The cost of a blanket bond purchased under this subsection is apportioned to each unit in the same ratio as the number of elected officers of the unit covered by the bond bears to the total number of elected officers covered by the bond.**

~~(c)~~ **(d)** The fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

(1) The amount must equal fifteen thousand dollars (\$15,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).

(2) The amount may not be less than fifteen thousand dollars (\$15,000) nor more than three hundred thousand dollars (\$300,000).

County auditors shall file bonds in amounts of not less than fifteen thousand dollars (\$15,000), as fixed by the fiscal body of the county. The amount of the bond of any other person required to file an individual bond shall be fixed by the fiscal body of the unit at not less than eight thousand five hundred dollars (\$8,500).

~~(d)~~ **(e)** A controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file an individual surety bond in an amount:

(1) fixed by the board of directors of the solid waste management district; and

(2) that is at least fifteen thousand dollars (\$15,000).

~~(e)~~ **(f)** Except as provided under subsection ~~(d)~~, **(e)**, a person who is

required to file an individual surety bond by the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file a bond in an amount fixed by the board of directors.

~~(f)~~ **(g)** In 1982 and every four (4) years after that, the state examiner shall review the bond amounts fixed under this section and report in an electronic format under IC 5-14-6 to the general assembly whether changes are necessary to ensure adequate and economical coverage.

~~(g)~~ **(h)** The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section, in consultation with the commission on public records under IC 5-15-5.1-6.

SECTION 64. IC 5-10.1-2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: **Sec. 9. (a) The agreement shall be modified to exclude services performed by an election official or an election worker for calendar year 2007 in which the remuneration paid for such services is less than one thousand three hundred dollars (\$1,300), and for each calendar year after 2007 in which the remuneration paid is less than the adjusted amount, as described in subsection (b), beginning with services performed in the year that this modification was mailed or delivered by other means to the Commissioner of Social Security.**

**(b) The one thousand three hundred dollar (\$1,300) limit on the excludable amount of remuneration paid in a calendar year for the services specified in this modification is subject to adjustment for calendar years after 2007 to reflect changes in wages in the economy without any further modification of the agreement, with respect to such services performed during such calendar years, in accordance with Section 218(c)(8)(B) of the Social Security Act.**

**(c) This exclusion applies to all coverage groups of the state and its political subdivisions currently (as of the date this modification is executed), including under this agreement and to which the agreement is hereafter made applicable.**

SECTION 65. IC 20-23-8-10, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10. (a) A change in a plan may be initiated by one (1) of the following procedures:**

**(1) By filing a petition signed by at least ~~twenty~~ ten percent**

(20%) (10%) of the active voters (as defined in IC 3-5-2-1.7) of the school corporation with the clerk of the circuit court.

(2) By a resolution adopted by the governing body of the school corporation.

(3) By ordinance adopted by a city legislative body under section 13 of this chapter.

(b) A petition, resolution, or ordinance must set forth a description of the plan that conforms with section 7 of this chapter.

(c) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), a change in a plan may be initiated by filing a petition signed by ten percent (10%) or more of the voters of the school corporation with the clerk of the circuit court.

SECTION 66. IC 20-23-8-14, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Not more than ten (10) days after a governing body has:

(1) initiated;

(2) approved; or

(3) disapproved;

a plan initiated by the petition filed with it, the governing body shall publish a notice one (1) time in a newspaper of general circulation in the county of the school corporation. If a newspaper of general circulation is not published in the county of the school corporation, the governing body shall publish a notice one (1) time in a newspaper of general circulation published in a county adjoining the county of the school corporation.

(b) The notice must set out the text of a plan initiated by the governing body or another plan filed with the governing body before the preparation of the notice. The notice must also state the right of a voter, as provided in this section, to file a petition for alternative plans or a petition protesting the adoption of a plan or plans to which the notice relates.

(c) If the governing body fails to publish a notice required by this section, the governing body shall, not more than five (5) days after the expiration of the ten (10) day period for publication of notice under this section, submit the petition that has been filed with the clerk to the state board, whether or not the plan contained in the petition or the

1 petition meets the requirements of this chapter.

2 (d) Not later than one hundred twenty (120) days after the  
3 publication of the notice, voters of the school corporation may file with  
4 the clerk a petition protesting a plan initiated or approved by the  
5 governing body or a petition submitting an alternative plan as follows:

6 (1) A petition protesting a plan ~~shall~~ **must** be signed by at least  
7 ~~twenty ten~~ percent ~~(20%)~~ **(10%)** of the **active** voters **(as defined**  
8 **in IC 3-5-2-1.7)** of the school corporation or five hundred (500)  
9 voters of the school corporation, whichever is less.

10 (2) A petition submitting an alternative plan ~~shall~~ **must** be signed  
11 by at least ~~twenty ten~~ percent ~~(20%)~~ **(10%)** of the **active** voters  
12 **(as defined in IC 3-5-2-1.7)** of the school corporation.

13 A petition filed under this subsection shall be certified by the clerk and  
14 shall be filed with the governing body in the same manner as is  
15 provided for a petition in section 11 of this chapter.

16 (e) The governing body or the voters may not initiate or file  
17 additional plans until the plans that were published in the notice or  
18 submitted as alternative plans not later than one hundred twenty (120)  
19 days after the publication of the notice have been disposed of by:

- 20 (1) adoption;
- 21 (2) defeat at a special election held under section 16 of this
- 22 chapter; or
- 23 (3) combination with another plan by the state board under
- 24 section 15 of this chapter.

25 SECTION 67. IC 20-23-14.5 IS ADDED TO THE INDIANA  
26 CODE AS A NEW CHAPTER TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2007]:

28 **Chapter 14.5. Election of Governing Body Members in**  
29 **Mishawaka**

30 **Sec. 1. In a school city established under IC 20-23-4 located in**  
31 **a city having a population of more than forty-six thousand five**  
32 **hundred (46,500) but less than fifty thousand (50,000), if a majority**  
33 **of the voters voting in the municipal election held on November 6,**  
34 **2007, vote in favor of an elected school board, the governing body**  
35 **consists of a board of trustees of seven (7) members elected in the**  
36 **manner provided in this chapter.**

37 **Sec. 2. (a) For purposes of this section, a reference to a common**  
38 **council district of the city is a reference to the district as it existed**

1 on January 1, 2007.

2 (b) The city is divided into the following three (3) districts:

3 (1) District One consists of the first district of the common  
4 council and the second district of the common council.

5 (2) District Two consists of the third district of the common  
6 council and the fourth district of the common council.

7 (3) District Three consists of the fifth district of the common  
8 council and the sixth district of the common council.

9 Sec. 3. As used in this chapter, "district" refers to a district of  
10 the governing body established by section 2(b) of this chapter.

11 Sec. 4. Beginning with the general election held in November  
12 2008, and every four (4) years thereafter, three (3) members of the  
13 governing body shall be elected by voters of the districts as  
14 provided in this chapter. The candidate who receives the greatest  
15 number of votes among all candidates for a district seat is elected.

16 Sec. 5. (a) Beginning with the general election held in November  
17 2008, and every four (4) years thereafter, one (1) member of the  
18 governing body shall be elected by all the voters of the school city  
19 as provided in this chapter. The candidate who receives the  
20 greatest number of votes among all candidates for an at-large seat  
21 is elected.

22 (b) Beginning with the general election held in November 2010,  
23 and every four (4) years thereafter, three (3) members of the  
24 governing body shall be elected by all the voters of the school city  
25 as provided in this chapter. The three (3) candidates who receive  
26 the greatest number of votes among all candidates for an at-large  
27 seat are elected.

28 Sec. 6. Except as provided in this chapter, IC 3 applies to an  
29 election held under this chapter.

30 Sec. 7. The circuit court clerk shall prepare a separate ballot to  
31 be used for governing body elections. Candidates shall appear on  
32 the ballot in alphabetical order.

33 Sec. 8. (a) The term of a member of the governing body is four  
34 (4) years, beginning on January 1 following the member's election.

35 (b) A member may be reelected.

36 SECTION 68. IC 24-5-14-3 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) As used in this  
38 chapter, "commercial telephone solicitation" means any unsolicited call

1 to a subscriber when:

2 (1) the person initiating the call has not had a prior business or  
3 personal relationship with the subscriber; and

4 (2) the purpose of the call is to solicit the purchase or the  
5 consideration of the purchase of goods or services by the  
6 subscriber.

7 (b) The term does not include calls initiated by the following:

8 (1) The state or a political subdivision (as defined by  
9 IC 36-1-2-13) for exclusively public purposes.

10 (2) The United States or any of its subdivisions for exclusively  
11 public purposes (involving real property in Indiana).

12 **(3) A public opinion polling organization.**

13 SECTION 69. IC 24-5-14-5 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) This section does  
15 not apply to messages:

16 (1) from school districts to students, parents, or employees;

17 (2) to subscribers with whom the caller has a current business or  
18 personal relationship; ~~or~~

19 (3) advising employees of work schedules; **or**

20 **(4) surveying public opinion by a public opinion polling**  
21 **organization.**

22 (b) A caller may not use or connect to a telephone line an automatic  
23 dialing-announcing device unless:

24 (1) the subscriber has knowingly or voluntarily requested,  
25 consented to, permitted, or authorized receipt of the message; or

26 (2) the message is immediately preceded by a live operator who  
27 obtains the subscriber's consent before the message is delivered.".

28 Page 34, line 42, delete "IC 3-11-11-1.6." and insert "IC  
29 3-11-11-1.6; IC 3-14-2-29.".

30 Page 35, line 10, after "IC 3-11-17-3" insert ",".

31 Page 35, line 10, delete "and IC 3-11-17-4, both".

32 Page 35, between lines 13 and 14, begin a new paragraph and insert:

33 "SECTION 75. [EFFECTIVE UPON PASSAGE] **(a) The Spencer**  
34 **County election board shall place the following public question on**  
35 **the November 2007 municipal election ballot in the town of**  
36 **Grandview in Spencer County:**

37 **"Would you support funding a storm water utility through a**  
38 **fee added to your utility bill?".**

1       (b) The county election board shall print the following  
2 immediately below the public question stated in subsection (a):

3           "The vote on these statements is only advisory. The result of  
4 the vote on these statements is not binding on the Town of  
5 Grandview or any public official."

6       (c) The county election board shall tabulate the votes cast on the  
7 public question described in this SECTION and certify the results  
8 under IC 3-12-4-9. The circuit court clerk shall send a copy of the  
9 certification required by this subsection to the legislative body of  
10 the town of Grandview.

11       (d) IC 3 applies to the public question placed on the ballot under  
12 this SECTION to the extent IC 3 is not inconsistent with this  
13 SECTION.

14       (e) This SECTION expires July 1, 2008.

15       SECTION 76. [EFFECTIVE UPON PASSAGE] (a) The definitions  
16 in IC 3-5-2 apply throughout this SECTION.

17       (b) This SECTION applies to a proposed precinct establishment  
18 order:

19           (1) that was filed with the election division:

20               (A) after January 31, 2006; and

21               (B) before February 1, 2007;

22           (2) with respect to which technical comments were received  
23 from the office of census data concerning some or all of the  
24 order, which technical comments were transmitted to the  
25 election division before February 1, 2007; and

26           (3) that was not approved by the commission or the election  
27 division under IC 3-11-1.5 before February 1, 2007.

28       (c) Beginning June 1, 2007, and not later than August 31, 2007,  
29 the proposed precinct establishment order, as amended by the  
30 election division to respond to technical comments or to ensure  
31 compliance with state law, may be approved under IC 3-11-1.5-18  
32 by the election division or by the Indiana election commission.

33       (d) Notwithstanding IC 3-11-1.5, a proposed precinct  
34 establishment order approved under this SECTION is effective  
35 upon the earlier of the adoption of the order by the county under  
36 IC 3-11-1.5-18(e), or upon the approval of the commission under

- 1       **IC 3-11-1.5.**
- 2       **(e) This SECTION expires January 1, 2008."**
- 3       Renumber all SECTIONS consecutively.  
      (Reference is to SB 292 as printed February 2, 2007.)

**and when so amended that said bill do pass.**

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Representative Pierce